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HEE SOUNG OH

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

HEE SOUNG OH,

Defendant.

No. 2:21-CR-207-TLN-3

**STIPULATED MOTION AND ORDER TO
REDUCE SENTENCE PURSUANT TO 18
U.S.C. § 3582(c)(2)**

RETROACTIVE CRIMINAL HISTORY
REDUCTION CASE

Judge: The Honorable TROY L. NUNLEY

Defendant, HEE SOUNG OH, by and through his attorney, Assistant Federal Defender David M. Porter, and plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney Shelley D. Weger, hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c)(2), this Court may reduce the term of imprisonment in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o), after taking into account the policy statements set forth in USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable;

2. The United States Sentencing Commission recently amended the Sentencing Guidelines to include what now appears in USSG § 4C1.1 (“zero-point provision”). *See* Amendment 821, Part B, Subpart 1. The zero-point provision provides a 2-offense-level

1 reduction for certain offenders who present zero criminal history points and satisfy the criteria
2 listed in USSG § 4C1.1(a). The United States Sentencing Commission made the zero-point
3 provision retroactive beginning February 1, 2024. *See* USSG § 1B1.10(e)(2) (Nov. 1, 2023); 88
4 Fed. Reg. 60534;

5 3. On June 5, 2023, this Court sentenced Mr. Oh to a term of 33 months
6 imprisonment on each of Counts 1 and 2, to be served concurrently, for a total of 33 months;

7 4. Mr. Oh's total offense level was 20, his criminal history category was I (having
8 no criminal history points), and the resulting guideline range was 33 to 41 months;

9 5. The sentencing range applicable to Mr. Oh was subsequently lowered by the zero-
10 point provision;

11 6. Mr. Oh is eligible for a reduction in sentence, which reduces his total offense
12 level by 2 from 20 to 18, resulting in an amended advisory guideline range of 27 to 33 months;

13 7. Accordingly, the parties request the Court enter the order lodged herewith
14 reducing Mr. Oh's term of imprisonment to 27 months on each of Counts 1 and 2, to be served
15 concurrently, for a total term of 27 months, effective February 1, 2024.

16 Respectfully submitted,

17 Dated: January 23, 2024

Dated: January 23, 2024

18 PHILLIP A. TALBERT
19 United States Attorney

HEATHER E. WILLIAMS
Federal Defender

20 /s/ Shelley D. Weger
21 SHELLEY D. WEGER
Assistant U.S. Attorney

/s/ David M. Porter
DAVID M. PORTER
Assistant Federal Defender

22 Attorney for Plaintiff
23 UNITED STATES OF AMERICA

Attorney for Defendant
HEE SOUNG OH

ORDER

This matter came before the Court on the stipulated motion of the parties for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2).

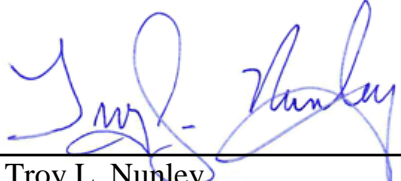
The parties agree, and the Court finds, that Mr. Oh is entitled to the benefit of Amendment 821, Part B, Subpart 1, the new zero-point provision, which reduces the total offense level from 20 to 18, resulting in an amended guideline range of 27 to 33 months.

IT IS HEREBY ORDERED that the term of imprisonment imposed in June 2023 is reduced to a term of 27 months on each of Counts 1 and 2, to be served concurrently, for a total term of 27 months, effective February 1, 2024.

IT IS FURTHER ORDERED that all other terms and provisions of the original judgment remain in effect. The clerk shall forthwith prepare an amended judgment reflecting the above reduction in sentence, and shall serve certified copies of the amended judgment on the United States Bureau of Prisons and the United States Probation Office.

Unless otherwise ordered, Mr. Oh shall report to the United States Probation Office within seventy-two hours after his release.

Dated: January 24, 2024


Troy L. Nunley
United States District Judge